

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOHN RUFFINO and )  
MARTHA RUFFINO, )  
Husband and Wife, )  
  
Plaintiffs, )  
  
vs. ) No: 3:17-CV-00725  
Jury Demanded  
  
DR. CLARK ARCHER and )  
HCA HEALTH SERVICES ) Judge Crenshaw  
OF TENNESSEE, INC. d/b/a )  
STONECREST MEDICAL CENTER, ) Magistrate  
Judge Newbern  
  
Defendants. )  
----- )

DEPOSITION OF:  
  
DR. CLARK ARCHER  
  
Taken on Behalf of the Plaintiffs  
  
November 17, 2017 at 10:00 a.m.

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**Beverly L. Jones, Licensed Court Reporter**  
3901 West End Avenue  
The Rokeby Suite 906  
Nashville, TN 37205  
(615) 499-9092

DR. CLARK ARCHER

November 17, 2017 at 10:00 a.m.

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APPEARANCES

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I N D E X

EXAMINATIONS

By Mr. Cummings ..... 5

EXHIBITS

Exhibit No. 1 ..... 163  
Set of medical records

NOTE: WORD INDEX BEGINS ON PAGE 168

**STIPULATIONS**

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys of record, that this deposition may be taken at the time and place hereinbefore set forth, by Beverly L. Jones, Licensed Court Reporter and Notary Public, pursuant to the Tennessee Rules of Civil Procedure, as amended;

That the formality of READING AND SIGNING is specifically REQUESTED;

That all objections, except as to the form of the questions and the responsiveness of the answers, are reserved until such time as this deposition, or any part thereof, may be used or is sought to be used in evidence.

**DR. CLARK ARCHER,**

was called as a witness, and having been first duly sworn, testified as follows: "I do."

Deposition of Dr. Clark Archer

1 work in the ER currently at Summit Medical  
2 Center?

3 A. 14, roughly.

4 Q. Is that shifts or hours?

5 A. Shifts.

6 Q. When did you first work in the ER at  
7 StoneCrest? And again, if you've got to  
8 estimate when that was, just tell us it's an  
9 estimate.

10 A. An estimate. When did I first work  
11 there, sir?

12 Q. In the ER, yes, sir.

13 A. 2006 or 2007 would be an estimate. It  
14 might have been later.

15 Q. Through what either relationship or  
16 agreement do you work in ER's at HCA related  
17 hospitals?

18 A. In what agreement? I'd have to really  
19 pull my contract to find that. I'll be quite  
20 honest, because there is a -- it's a -- over the  
21 years, if you have seen our contracts, they have  
22 changed on occasion. So the exact entity I was  
23 or have been under with HCA/my other company I  
24 work is -- I can't -- I don't know at this  
25 present time.

Deposition of Dr. Clark Archer

1 Q. Sure. I understand, and I think I asked  
2 a question that wasn't very helpful for getting  
3 and answer from you.

4 Are you an employee of HCA or any other  
5 entities?

6 A. Of HCA or any other entities?

7 Q. Or any of their entities.

8 MR. LOOPER: Object to the  
9 form.

10 A. I would still have to look at my  
11 contract because of the myriad of companies that  
12 I think I have on my contract.

13 Q. When you currently go to work at an ER  
14 in an HCA-related hospital, is that through a  
15 contract just with you, or with a group that  
16 you're a part of, or some other situation?

17 A. If I'm not mistaken, again, forgive me  
18 if I in any way misstate because I don't have  
19 the contract in front of me, but I -- I -- we  
20 have similar contracts among partners that I  
21 work with. Partners is a loose term I guess.  
22 People that I work with, ER docs. But I believe  
23 mine is separate and apart from everyone  
24 else's.

25 Q. When you say "we" and you may have said

Deposition of Dr. Clark Archer

1 have a contract, who's the "we"? Is there an  
2 entity?

3 A. Not that I'm aware of. I think it is  
4 solo with me.

5 Q. At any time, have you reviewed the  
6 policies and procedures at StoneCrest that apply  
7 to ER care?

8 A. I don't know if I have the exact form  
9 that you are maybe speaking of, but in general,  
10 I have reviewed a bunch of different modalities  
11 of medical care that we would provide at  
12 StoneCrest Medical Center.

13 Q. Do you know whether you have reviewed  
14 policies and procedures that StoneCrest has had  
15 that apply to the care in the ER?

16 A. Depending on what would come across, you  
17 know, our desks at a given time, we've -- you  
18 know, that's a big term. There is a lot of  
19 forms on that discussion. Partially, I would  
20 say, yes. With exactness to the entire broad  
21 spectrum of care rendered at any emergency  
22 department, I would say probably very few people  
23 have read every page.

24 Q. When you worked in the StoneCrest ER in  
25 2006, were you required to follow the policies

Deposition of Dr. Clark Archer

1 tell me what you mean by that.

2 A. Well, I wasn't on duty until noon,  
3 roughly. So 12:20 was when I would recall that  
4 I walked into the room to greet and take care of  
5 John Ruffino.

6 Q. Did your care and treatment of  
7 Mr. Ruffino start at around 12:20 on  
8 February 17, 2016?

9 A. Based on the record, with distant  
10 memory, that would be accurate.

11 Q. Would you agree that 12:20 is less than  
12 four hours after 8:30 that same morning?

13 A. 12:20 is less than four hours from when?

14 Q. 8:30 that same day. That morning.

15 A. I would agree that 12:20 is I believe  
16 three hours and 50 minutes.

17 Q. Would you agree that 12:20 is less than  
18 six hours from 8:30 in the morning that same  
19 day?

20 A. I would agree that that is true.

21 Q. Do you agree that Mr. Ruffino did not  
22 have a role in selecting you as one of his ER  
23 physician providers?

24 MR. LOOPER: Object to the  
25 form.



1           A. I would agree that he did not have  
2 selection of his ER provider.

3           Q. Did you and Mr. Ruffino have a  
4 physician/patient relationship at any point on  
5 February 17, 2016?

6           A. From 12:20 on, we entered into a  
7 patient/physician relationship.

8           Q. Do agree that once you had a  
9 physician/patient relationship with Mr. Ruffino  
10 on February 17, 2016, you owed him certain  
11 duties from a health care prospective?

12          A. Depending on how you define those  
13 duties, I would treat him as anybody rendering  
14 the need for the possibilities of emergency  
15 care.

16          Q. Was one of the duties you owed John  
17 Ruffino on February 17, 2016, to provide  
18 appropriate medical care based on his situation  
19 and needs?

20          A. I would agree that based on his  
21 presentation that any -- that you would provide  
22 accordingly to his symptomatology needs. I  
23 would agree.

24          Q. Is the sudden onset of weakness a  
25 neurological change?

1 says, Yes?

2 A. I do.

3 Q. Are you aware of any weakness issue in  
4 any part of the body that's documented in this  
5 note?

6 A. Any weakness in any part of the body?  
7 So dizziness is documented above. Any focal  
8 weakness documented? I see no clear evidence  
9 that there is weakness according to Tony  
10 Bromley's note.

11 Q. What did Nurse Bromley tell you on  
12 February 17, 2016 about what he knew regarding  
13 Mr. Ruffino's history or problems?

14 A. I don't know that I can recall any  
15 definite exact discussions. I do know the  
16 patient presented by ambulance. Again, this may  
17 or may not be from Tony, and the initial  
18 presentation was dizziness. And I guess we can  
19 addendum seizure on the differential by the way.  
20 But concerns of a man that is dizzy, with a  
21 history of seizures, that did not take his  
22 Neurontin that day.

23 Q. Do you remember anything else Nurse  
24 Bromley told you on February 17, 2016, and by  
25 told you I mean orally, and I think you knew

Deposition of Dr. Clark Archer

1     that --

2           A.    Yes, sir.

3           Q.    -- regarding Mr. Ruffino?

4           A.    I truly cannot state.  I cannot  
5   recollect.

6           Q.    Please turn to page 13.  Do you see the  
7   19:25 note by Nurse -- I'm going to spell it  
8   T-E-L-E-G -- Mr. Gideon, you might know if  
9   that's an O-Y?

10          A.    I don't see it yet, but I know that --

11          Q.    It's in the right column, two-thirds of  
12   the way down.

13          A.    Right column, two-thirds of the way  
14   down.  19:25?

15          Q.    Yes.

16          A.    Okay.

17          Q.    You see the note; correct?

18          A.    I believe I do, yes, sir.

19          Q.    Okay.  Do you see the category that  
20   says, Ongoing signs and symptoms?

21          A.    I do, yes.

22          Q.    And it says, Dysphagia, right arm  
23   weakness; correct?

24          A.    I see that.

25          Q.    Do you know when those started, either

**REPORTER'S CERTIFICATE**

I, BEVERLY L. JONES, Licensed Certified  
Court Reporter, Notary Public in and for the  
State of Tennessee at Large,

DO HEREBY CERTIFY that the foregoing is  
a true and accurate transcript of the testimony  
as taken stenographically by me at the time,  
place, and on the date hereinbefore set forth;  
and that the foregoing pages constitute a true  
and correct transcription of said proceedings to  
the best of my ability.

I DO FURTHER CERTIFY that I am neither a  
relative nor employee nor attorney nor counsel  
of any of the parties to this action, and that I  
am neither a relative nor employee of such  
attorney or counsel, and that I am not  
financially interested in the action.

Taken, November 17, 2017.

IN WITNESS WHEREOF, I have hereunto  
affixed my official signature and seal of office  
this 5th day of December, 2017, at Nashville,  
Tennessee.

*Beverly L. Jones Digitally signed: 8 : 1 2 p . m .*

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Beverly L. Jones, LCR #374  
My license expires: June 30, 2018  
Notary Public At Large State of Tennessee  
My commission expires: May 8, 2018